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The Regular Meeting of the
 Brian Head Town Council
 Town Hall - 56 North Highway 143
 Brian Head, UT 84719
TUESDAY, OCTOBER 11, 2016 @ 1:00 PM

Roll Call.

Members Present: Mayor H.C. Deutschlander, Council Member Larry Freeberg, Council Member Clayton Calloway, Council Member David Bourne.

Members Absent: Council Member Reece Wilson.

Staff Present: Bret Howser, Nancy Leigh, Dan Benson, Wendy Dowland, Shane Williamson

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm for October 11, 2016.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Council Member Bourne reported he attended the annual Utah League of Cities and Towns convention in Salt Lake City in which he met a lot of people, one of whom was US Representative Mia Love. Council Member Bourne thanked the taxpayers for the ability to attend the conference.

Council Member Calloway

1. Thanked the public works department for repairing the pot holes located on Circle Drive.
2. Attended the ribbon cutting ceremony for the grand re-opening of the Alpine Creek Loop trail. Council Member Calloway reported there was a good turnout of people for the event.

Mayor Deutschlander

1. Attended the annual Utah League of Cities and Towns convention in Salt Lake City with Council Member Bourne. Mayor Deutschlander reported the agenda for this year's convention was interesting and excellent and he is hoping to put some of what he learned at the conference to work in Brian Head.
2. Attended the Iron County Commission meeting last week in which item of discussion was the increase in building permits for Iron County. The County Building department reported they are 50 permits ahead of where they were at this time last year and during the month of August, five building permits were issued in Parowan; five permits issued in Brian Head. When compared to each other, the valuation of Brian Head was better than the valuation of Parowan's permits.
3. Met an engineer at the Utah League meetings who worked on the town's water system a long time ago. He explained the town's redwood tank was one of two in the state used for culinary water. Mayor Deutschlander explained the town's redwood tank was decommissioned and the wood was reclaimed for the town's historic display. Bret reported the trail crew also used some of the wood for building a bridge for the Alpine Creek Loop trail.



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Bret Howser, Town Manager

1. Was not able to attend the Utah League of Cities and Towns conference this year, but instead attended the Utah Outdoor Recreation Summit that was held in Cedar City on September 14th along with a site visit to Brian Head the next day. The members toured Brian Head and staff explained what the town plans to do with private development and the town's efforts for a better trail connection with Cedar Breaks National Monument going through the Forest Service. One item of discussion was a Sustainable Recreation Master Plan identifying the outdoor recreation experience between the town, Forest Service and Cedar Breaks National Monument.
2. The Alpine Creek Loop trail grand re-opening was held last week in which there were approximately 30 to 40 people who attended the ribbon cutting ceremony and went on the Alpine Creek Loop Trail hike. Bret thanked John Grissinger for his participation in which Mr. Grissinger owns the majority of property that the trail is on.
3. The Public Works department now has a full-time Public Works Tech I position open.

Shane Williamson, Public Works Director

1. Reported the town's annual culinary water report is now complete and available for public inspection.
2. The town's transportation plan identifies two projects now on the list for UDOT's STIP grant funding program. UDOT may be able to help fund a portion of street improvements on Hunter Ridge Road and Village Way for reconstruction.
3. Updated the Council and public on the recent construction in Parowan Canyon by UDOT. UDOT is scheduled to replace the drainage above Parowan Cemetery next summer and as part of the project a byway road going to Brian Head will be constructed. Shane reported he will keep the Council informed on this project.
4. Met with Clayton Wilson, UDOT, regarding plans on moving forward for the walking trail improvement project. UDOT did not give their comment, but Mr. Wilson reported the town had his support for potential cross walks across highway 143 for the walking trail.
5. The department is completing the paving projects in town.
6. The town received eight applications for the Public Works Tech I position. Staff will be conducting interviews this Thursday.

E. APPROVAL OF THE MINUTES:**September 13, 2016 Town Council Meeting**

Motion: Council Member Calloway moved to approve the September 13, 2016 Town Council minutes. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Freeberg, Mayor Deutschlander. Absent: Council Member Wilson).

F. AGENDA ITEMS:

1. PUBLIC HEARING – COMMUNITY IMPACT BOARD (CIB) GRANT FOR STORM DRAINAGE MASTER PLAN. A brief explanation of the proposed Storm Drainage Master Plan grant application.

Bret Howser, Town Manager, gave a brief explanation of the proposed storm drainage master plan project in which the town is applying for a Community Impact Board (CIB) grant. Bret went on to explain the town applied through the Five County Association of Government a five year plan which then qualifies the town for the CIB grant and this project has been on the town's list for several years.



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Bret reported the town has previously received CIB funding for the construction of the Public Safety building and the construction of Bristlecone Pond, both were a low interest loan. CIB will typically fund grant money for smaller projects and infrastructure studies and since the town has not yet done a master plan for the drainage system, the town is applying for grant funding for this project.

As one of the requirements for a CIB grant, a public hearing is required to receive comment from the public. Once the application has been submitted, the next step will be to go in front of the CIB Board scheduled in November in Salt Lake City to make a presentation on the project in which CIB will decide to fund all or some of the project. The plan estimate is \$55,000 which is being proposed since a lot of surveying is required to be completed for the master plan.

Motion: Council Member Calloway moved to recess the regular meeting of the Brian Head Town Council and open a public hearing to receive public comment on a proposed master plan for the drainage system. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Freeberg, Mayor Deutschlander. **Absent:** Council Member Wilson).

The public hearing was opened at 1:23 pm.

No comments were received and no written comments were submitted.

Motion: Council Member Calloway moved to close the public hearing and reconvene the regular meeting of the Brian Head Town Council. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Freeberg, Mayor Deutschlander. **Absent:** Council Member Wilson).

The regular meeting of the Brian Head Town Council was reconvened at 1:24 pm.

2. OUTDOOR RECREATION GRANT DISCUSSION. A discussion on the Outdoor Recreation Grant for paving the walking trail through town.

Bret Howser, Town Manager, explained the town has been working with Utah Outdoor Recreation Association for a proposed project of paving the town's walking trail. The project has been split into four phases with the first phase beginning on the north end of Brian Head near the hotels and going to Giant Steps Ski base area. Bret explained that during the last Council meeting, a preferred route was discussed and decided on.

The town received notice from the staff of Utah Outdoor Recreation that they are planning to present the project to their Board. The town is requesting \$75,000 and the staff reported they are recommending \$50,000 in grant which is also a 50/50 match, but the town can use work for in-kind matching. The total for the entire project is estimated at \$490,000 which would run the full length of the town trail and be in compliance with the town's trail standards.

The first phase of the project (Hunter Ridge Road to Giant Steps Ski Base) would need to be cut and filled and widen in certain areas of the trail and it would also need to meet grade standards. The estimate for the first phase is approximately \$230,000, the town is also looking to work with Utah Department of Transportation (UDOT) for additional funding to complete the project.



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1 Bret explained the staff at Utah Outdoor Recreation is requesting the town to re-comment to
2 completing the project for any remaining costs involved. Bret explained the staff would
3 continue to seek other grant resources in an effort to complete the entire project.
4

5 The Council held discussion on the following:

- 6 1. The town is committed to doing the project and would identify funds from the Brian
7 Head Redevelopment Agency. Bret reported the RDA fund currently has \$300,000
8 for projects.
- 9 2. As part of the completed trail it would run through the village core development in the
10 future.
- 11 3. The project can be modified in an effort to reduce costs.
- 12 4. Mayor Deutschlander stated he has concerns that the town currently has unpaved
13 roads and now the town is considering paving the walking trail as a priority. Shane
14 responded that funding from UDOT would be specifically for the walking trail and the
15 town roads would not qualify for their grant funding program.
- 16 5. Bret explained there is a safety aspect to the improvement of the walking trail since
17 guests typically walk down the highway in the winter and if the walking trail was
18 improved, it would give the guest a safe alternate route to take.
- 19 6. The resort has seen higher skier day numbers and parking has become an issue.
20 The walking trail would be an alternative transportation method for the town.
- 21 7. In the summer time, the trail would give a recreational opportunity and with the hope
22 to tie the trail into the Cedar Breaks National Monument trail in the future.
- 23 8. Council Member Bourne commented on the issue with the current walking trail is that
24 the guests are not aware of it due to the lack of signage for the trail.
- 25 9. Bret explained that as part of the grant, the town can install signage and plow the trail
26 during the winter season, but the trail would need to be widen in some areas in order
27 to use a small piece of snow removal equipment.
- 28 10. If a trail access to the town hall was to be identified, then the trail would need to be
29 ADA compliant.
- 30 11. The deadline for the town's commitment to the Utah Outdoor Recreation Agency is
31 October 13, 2016 and then will be followed by a board hearing in November.
- 32 12. Council Member Freeberg inquired if the request is for \$150,000 from the town. Bret
33 explained the town would consider pairing down the project in an effort to reduce
34 costs and would do some of the work in-house.
- 35 13. Bret explained there are things the town can do to modify the project as long as the
36 town sticks to the spirit of the plan that the trail would be completed.
- 37 14. The town has the Utah Outdoor Recreation staff's recommendation for the project.
- 38 15. Council Member Calloway commented he is in support of the plan, but believes the
39 town is rushing into the project too quickly and the town needs to hold discussion with
40 the resort and Giant Steps HOA along with looking at the project as a whole to
41 ensure all interested parties have been heard.
- 42 16. Burke Wilkerson, Brian Head Resort, questioned as to why the guests are not
43 utilizing the walking trail currently and using the highway instead. Mr. Wilkerson
44 commented that he believes more research and analysis are needed to be
45 completed before the town commits to the project. Mr. Wilkerson stated that the town
46 should know why the existing walking trail isn't being utilized to its maximum
47 potential.
- 48 17. Chief Benson responded he has polled people who were walking along the highway
49 as to why they aren't using the town trail. Their responses are typically it is quicker
50 walking down the highway instead of the trail and guests with children and bikes
51 cannot peddle through the gravel that is on the town trail.
- 52 18. Bret explained the shuttle services have been directed to pick up guests who may be
53 walking down the highway and to give them a ride. The drivers have reported when
54 doing so; the guests have stated they enjoy walking.



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19. Shawn Kelly, resident, reported he walks the trail and there is a difference between hiking and walking and the town trail is difficult to access since there are only a few access points along the trail.
20. Burke Wilkerson, Brian Head Resort, commented the town's ATV trail is also in need of signage in which there were 30 atv's in town last week and they were confused as to where the town trail went. Mr. Wilkerson stated that signage and maps are the key to making any trail successful. Mr. Wilkerson commented the town also needs to consider the cost of maintaining the trail during the winter season.
21. Bret reported the town can identify the paved walking trail maintenance with the \$200,000 identified for pavement management for the town.
22. Mayor Deutschlander inquired as to why the town would bypass the condominiums located on Ridge View Street by changing the trail to follow Steam Engine Drive to Village Way. Council Member Calloway responded the trail would bring the public to the businesses located on the west side of highway 143 and the town is focusing on drawing the guests to the businesses and recreation facilities. Parking seems to be an issue and if a trail were to go through the condo parking area, it would be a safety concern for the town. Bret explained the town can look at a future phase of the trail system to bring the guests from the condos to the town trail.
23. Burke Wilkerson, Brian Head Resort, inquired if it would be feasible for the town to install a sidewalk along highway 143 instead of improving the town trail. Bret responded that staff will be starting to work with UDOT on designating the highway through town as a main street, but it is a conversation that will be held with UDOT in the near future.
24. Crosswalks will be part of the walking trail improvement project.
25. Council Member Calloway inquired if the resort would consider a trail license for the proposed walking trail through Giant Steps parking lot. Burke Wilkerson, Brian Head, Resort, responded they would agree to license as long as the resort has the flexibility to move the trail if needed.
26. Burke then inquired how the trail would integrate with the town's ATV trail/traffic? Bret responded the trail may cross at one point on Village Way, but as the Village Core develops then the trail would be integrated into the businesses along Village Way. Bret went on to explain the town would need to do something on a temporary basis and then revisit it to make it permanent. It would consider the pedestrian traffic on the east side of Village Way and ATV trail on the west side of Village Way.

Consensus of the Council: Staff will pursue the Utah Outdoor Recreation Grant funding for \$50,000 and directed staff to work with UDOT on additional funding for the project.

3. 2016-2017 WINTER SHUTTLE SERVICE. A discussion on the 2016-2017 winter shuttle services.

Bret Howser, Town Manager, explained the town now has a double loop system for the town's shuttle services. The south loop currently identifies a shuttle stop at Copper Chase/White Bear Condos located on Ridge View Street and has a 25 to 30 minute loop. Staff is looking to reduce the time for the shuttle route to be closer to 15 to 20 minutes, but in order to meet this time frame, the Copper Chase stop would need to be eliminated from the route. Bret inquired if the Council is interested in eliminating the Copper Chase/White Bear Condo shuttle stop for this upcoming winter season.

The Council held discussion on the following:

1. Most of the traffic for the shuttle system is between the hotels located on the north end of Brian Head and the two ski bases.
2. New signage for the shuttle system will be installed this year which will identify the north and south loop routes.



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3. Council Member Freeberg suggested the Copper Chase stop be eliminated during the week days but used for the weekends and holidays. Bret explained this would complicate the system, especially for the guests who are utilizing the shuttle system.
4. Some of the challenges for this winter season at the Copper Chase stop is the ability for the bus to turn around in the lower parking area of Copper Chase. The shuttle system is using larger buses this year.
5. Mayor Deutschlander suggested the shuttle make a turnaround at the intersection of Ridge View Street and Pinehurst Street, which would give those who live on upper Ridge View Street a short distance to get to the shuttle stop.
6. Council Member Bourne commented he uses the shuttle system on a regular basis and did not see an issue with the buses turning around in Copper Chase parking lot.
7. Burke Wilkerson, Brian Head Resort, commented the town allows the guests to ride chair lift #1 or #8 without a lift ticket in order to get from one side of town to the other.

Consensus of the Council: Staff will identify the Copper Chase/White Bear stop for the 2016/17 winter season with the authority to modify the stop if it becomes an issue. The town will track the ridership numbers for the south loop route.

4. LAND MANAGEMENT CODE AMENDMENTS DISCUSSION. A discussion on suggested amendments to the Land Management Code.

Bret Howser, Town Manager, explained the Planning Commission has reviewed some proposed changes to the Land Management Code (LMC). Staff is requesting the Council to review and discuss the proposed changes to the LMC before staff publicizes the public hearing for amending the LMC.

The Council held discussion on the following:

1. **Definitions: Heavy Equipment.** The Planning Commission has reviewed this definition for integration into the LMC. Staff's recommendation is an additional piece of language that would be identified in Chapter 7 of the LMC for heavy equipment attachments: *"One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from the view of the public right-of-way. Additional equipment used for construction may be parked at the site when authorized by a current building permit"*. Bret explained this would apply more to residential zones than commercial zones.
2. Council Member Calloway suggested removing the word "heavy" in an effort to be consistent in the LMC. Bret explained it would be confusing and recommended the word remain.
3. Council Member Calloway explained the proposed language is written in a way that a person would need to have an authorized building permit in order to have heavy equipment on their property. One example would be if two man-lifts were needed to paint a home, but according to the proposed language, only one piece of equipment would be allowed.
4. Discussion was held regarding the amount of time in which a piece of equipment could be allowed on site during construction. Bret explained it would be specified with the building permit, but the town would want some guidelines for construction.

Consensus of the Council: Staff will insert the following language for when someone needs to use a piece of equipment that is not authorized by the building permit process in Chapter 7 of the LMC: *"One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right-of-way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town"*.

1. **9-12-5: Landscaping & Fences; C. Fences: 3:** Bret presented the following proposed change: "Fences shall not exceed four feet (4') in height, except where required for safety



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- reasons (swimming pools and attractive nuisances), ~~or where necessary to meet screening requirements and or where not visible from offsite~~".
2. Council Member Calloway recommended the Council consider adding #7 *"Due to the nature of Light Industrial perimeter fencing may be allowed with Planning Commission review and approval. The fence must be set back ten feet (10') from the roadway and twenty feet (20') back from intersections. Materials such as split block, stucco may be considered by the Planning Commission to meet screening and security needs"*. This is addressing perimeter fencing in a light industrial application in order to allow fencing. Council Member Calloway explained the current LMC code, 9-12-5-C discourages fencing and proposed language doesn't allow perimeter fencing unless it is reviewed by the Planning Commission first.
 3. Wendy Dowland, Public Works Assistant, explained the Planning Commission recommended the dumpsters be screened and reviewed by the Planning Commission. Bret brought up the example of the screened dumpster located at the Navajo Lodge ski base and believes it is effective. Council Member Calloway commented that particular screening is a violation according to the current code and there is not a way for the Planning Commission to give an approval for that type of fencing according to the current code.
 4. Discussion was held regarding the height of the fencing. The current LMC code has a restriction of four feet (4') or less and the proposed language would give staff the ability to approve a fence over four feet (4') in height, but any perimeter fencing would require Planning Commission approval and a tall fence would be required to meet the three conditions. The Planning Commission recommended an outlet valve that is consistent with the General Plan.

Consensus of the Council: Approved the proposed language: "Fences shall not exceed four feet (4') in height, except where required for safety reasons (swimming pools and attractive nuisances), ~~or where necessary to meet screening requirements and or where not visible from offsite~~".

1. **9-12-10-B: Driveways:** Bret proposed the following changes to 9-12-10-B; Driveway Standards (~~red font~~: proposed, ~~blue font~~: addition to proposed):

B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Commercial (All Others)
Minimum width	16 12 feet (4 or fewer units)	20 20 feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof), maximum 2 interior, 3 corner	1 per each 200 feet of frontage (or fraction thereof)
Driveway angle to street	45 degree - 90 degree	70 degree - 90 degree
Surface material	All-weather surface	Hard surface
Snow storage	Maintain clear view at intersection	Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system



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Retaining walls

May extend into public right of way with town staff approval

May extend into public right of way with town staff approval

2. Bret explained the Planning Commission proposed a residential driveway can be a minimum width of ten feet (10') and for commercial it was proposed for twelve feet (12') for a one-way driveway and twenty-four (24') for two-way driveway. Chief Benson commented he has concerns with emergency access with the width that is being proposed by the Planning Commission.
3. Council Member Freeberg commented that if the town were to stay with a requirement of 16' width for a residential driveway, it could be a problem for some residents.
4. Chief Benson explained the International Fire Code (IFC) requires a minimum of 20' width for approaching any building regardless of the zone.

Consensus of the Council: Twelve feet (12') for residential driveway width and twenty feet (20') for commercial driveway width.

9-12-10-C: Surface Materials: Bret proposed the following language for surface materials:

"C. Surface Material: Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surfaces may be used for overflow parking (parking in excess of the requirement) as well as in all other zones".

1. Bret explained the Planning Commission suggested that other materials be considered for hard surfaces that would be just as effective as concrete and pavement and could be used with the approval of the Planning Commission.
2. Discussion on where to identify the requirement. Bret explained if it is defined in the definitions, then it becomes a way of regulating instead of defining. Council Member Calloway suggested the language be inserted into the proposed language to read: "approved product".
3. Council Member Calloway commented that the definition of a hard surface to him is if it answers these questions: does it absorb water? Is it permeable? Would the material come apart if snow removal equipment is used on it?

Consensus of the Council: Council will consider this item further before a decision is reached.

9-12-15-G: Parking – Design of Parking Facilities:

1. Bret explained that according to the LMC, it is prohibited to back up onto town roads and therefore no parking stalls could be installed allowing traffic to back into the roadway. Bret went on to explain that the town currently has parking stalls located on Vasels Road adjacent to the Pavilion area in which vehicles to back up onto Vasels Road. Bret recommended the Council consider eliminating 9-12-15-G-3.
2. Council Member Calloway commented that he believes this section should not be eliminated because of snow storage along the town's right-of-ways and it could cause an issue with snow storage.
3. Council Member Freeberg suggested the Council consider only Civic and Commercial zones that this requirement be eliminated.
4. Shaun Kelly, resident, commented that he believes there is a setback requirement that would prevent a residential, commercial or condo project from it.
5. Bret asked the Council to also consider the number of parking stalls and whether it should be limited if the traffic were to back up onto a town road.
6. Bret suggested the Council consider allowing backing onto road roads if the parking stalls were located within the public right-of-way, otherwise, it would be prohibited.

Consensus of the Council: Staff will draft language and bring to Council for consideration.

1. **9-12-15-G-1-a (Driveway widths: Private Parking:** Bret proposed the following changes: Change ten feet to twelve feet.



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2. **9-12-15-G-1-b(1): (Commercial driveways):** Change 12' to 20' for one-way enter/exit.
3. **9-12-15-H: Surfacing:** Proposed language: "*Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surfaces may be used for overflow parking (parking in excess of the requirement) as well as in all other zones.* Each *parking* lot and associated ramps and driveways shall ~~have a hard surface and be~~ maintained in good condition and kept clear and unobstructed and usable condition at all times. Responsibility for maintenance of the parking lot shall rest with the property owner. The *parking* lot shall provide adequate access to a street or alley. Parking spaces in excess of the minimum spaces required may be used for snow storage in the winter.

Council Member Calloway asked the Council to also consider two other items for changes:

1. **9-7-5: Zone District Requirements – Light Industrial:** Council Member Calloway read a section from the code regarding the requirement to screen all outdoor storage from the public and the public right-of-way. Council Member Calloway commented he believes there are some properties located in the Single-Family Residential zones that should also have some type of screening. Bret responded he would need to confirm with the Utah League of Cities and Town on any case law regarding this type of item. Staff will review and report back to Council.
1. **9-12-17 Trash Enclosures:** Council Member Calloway commended the Resort on screening their dumpsters at both ski base locations and commented that the town has their dumpsters located in the most visible locations possible. Mayor Deutschlander responded one reason behind leaving the dumpsters in public site is so the public would be able to find the dumpsters and use them instead of leaving garbage around town.
2. Discussion was held on the challenges of screening a dumpster location and the winter weather and the ability to access the dumpsters in the winter time.
3. Bret recommended the Council not consider this item for a change in the LMC, but to look at updating the town's strategic plan to address the issue.

G. ADJOURNMENT

Motion: Council Member Calloway moved to adjourn the regular meeting of the Brian Head Town Council for October 11, 2016. Council Member Bourne seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Bourne, Council Member Calloway, Council Member Freeberg, Mayor Deutschlander. **Absent:** Council Member Wilson).

The regular meeting of the Brian Head Town Council was adjourned at 3:40 pm for October 11, 2016.

Date Approved

Nancy Leigh, Town Clerk

